

OGDALA SIOUX TRIBAL COURT )  
OGDALA SIOUX TRIBE )§§  
PINE RIDGE, SOUTH DAKOTA )

IN TRIBAL COURT

1-20-2012  
CIV-12-0032

CASE NO.:

MARTYNA WHITE HAWK, Administrator )  
of the Estates of BURT B. KALINE, III, )  
RANDY KALINE, and SUMMER ROSE )  
KALINE, Deceased, )  
Plaintiff, )

VERIFIED COMPLAINT

v. )  
RUSS HOLLOW HORN, SOUTH DAKOTA )  
ASSEMBLY CHURCH OF GOD, and )  
PASTOR STANLEY HOLLOW HORN, )  
Defendants. )

COMES NOW, the Plaintiff and for her Complaint states and alleges as follows:

### FIRST CAUSE OF ACTION

#### (Wrong Death)

1. Plaintiff Martyna White Hawk, the duly appointed, qualified, and acting Administrator for the Estates of Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline, is a resident of Manderson, South Dakota, within the exterior boundaries of the Pine Ridge Indian Reservation, and an enrolled member of the Oglala Sioux Tribe.

2. Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline, now deceased, were residents of Manderson, South Dakota, within the exterior boundaries of the Pine Ridge Indian Reservation, and enrolled members of the Northern Cheyenne Tribe prior to their deaths and at all times pertinent to this Complaint.

3. Defendant Russ Hollow Horn, upon information and belief was and is a resident of Wounded Knee, South Dakota, within the exterior boundaries of the Pine Ridge Indian

Reservation, and an enrolled member of the Oglala Sioux Tribe at the time of this incident. He was also, at all pertinent times herein, upon information and belief, an employee and/or agent of the Church of God Mission in Wounded Knee, South Dakota.

4. Defendant Pastor Stanley Hollow Horn, upon information and belief was and is a resident of Wounded Knee, South Dakota, within the exterior boundaries of the Pine Ridge Indian Reservation, and an enrolled member of the Oglala Sioux Tribe at the time of this incident. He was also, at all pertinent times herein, upon information and belief, a representative, the agent, employee of or in a master/servant relationship with the Church of God Mission in Wounded Knee, South Dakota.

5. Defendant Church of God Mission in Wounded Knee, South Dakota, upon information and belief, is a non-profit religious organization and is affiliated with the South Dakota Assembly Church of God that has its administrative offices in Sioux Falls, South Dakota. The South Dakota Assembly Church of God is a religious organization affiliated with the Church of God in Anderson, Indiana, which is comprised of over 7,000 churches in nearly 90 countries worldwide. It transacts business, engages in contractual relations, owns or leases land on the reservation, resides within the Pine Ridge Indian Reservation, and has by commission or omission through its employees, agent or representative committed an act resulting in a tort action.

6. That at all times relevant hereto, Defendant Russ Hollow Horn, was acting within the scope of his employment and/or agency for the Church of God Mission, in Wounded Knee, South Dakota, when he negligently caused injury/death to Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline. South Dakota Assembly Church of God, via its affiliation with Church of God Mission, is liable for Defendant Russ Hollow Horn's negligent acts under the doctrine of

respondeat superior, and pursuant to Section 20 a.2. of the Oglala Sioux Tribal Law and Order Code.

7. On or about the 25<sup>th</sup> day of January, 2010, Defendant Russ Hollow Horn drove a vehicle owned by Pastor Stanley Hollow Horn or the Church of God Mission in Wounded Knee, South Dakota, for the purpose of hauling the church's garbage to the dump. Defendant Russ Hollow Horn operated the motor vehicle upon a public road; i.e. BLA 27, Wounded Knee, Shannon County, South Dakota, in a negligent manner proximately causing an accident resulting in the deaths of Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline.

8. As a direct and proximate result of the negligent acts and omissions of Defendants, Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline died, causing Plaintiff to incur and expend sums for funeral and burial expenses, and damaging Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline's surviving children, causing pecuniary injury to each of them, including the deprivation and loss to them of their society, companionship, affection, assistance, advice, aid, guidance and support.

## SECOND CAUSE OF ACTION

### (Negligent Entrustment)

9. Plaintiff re-alleges all the matters set forth in paragraphs 1 through 8 of the Plaintiff's first cause of action and further alleges:

10. Defendant, Pastor Stanley Hollow Horn, as owner of the vehicle and/or as leader of the Church of God Mission in Wounded Knee, South Dakota, negligently entrusted use and control of the vehicle to Defendant Russ Hollow Horn knowing that Defendant Russ Hollow Horn regularly became intoxicated and would likely be unable to operate said motor vehicle in a safe manner due to his inebriation.

11. As a direct and proximate result of the negligent entrustment of a motor vehicle to Defendant, Russ Hollow Horn by Defendant, Pastor Stanley Hollow Horn, Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline died, causing Plaintiff to incur and expend sums for funeral and burial expenses, and damaging Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline's surviving children, causing pecuniary injury to each of them, including the deprivation and loss to them of their society, companionship, affection, assistance, advice, aid, guidance and support.

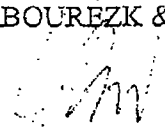
WHEREFORE, Plaintiff prays judgment against Defendants, individually, jointly and severally as follows:

1. For damages in such sum as a jury may award at the trial of this action for the tangible and intangible pecuniary losses suffered by Burt B. Kaline, III, Randy Kaline, and Summer Rose Kaline's surviving children;
2. For the funeral and burial expenses incurred;
3. For prejudgment interest;
4. For Plaintiff's costs and disbursements herein; and
5. For such other and further relief, both at law and in equity to which Plaintiff may show just entitlement.

**TRIAL BY JURY IS HEREBY DEMANDED.**

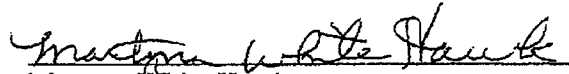
Dated this 22<sup>nd</sup> day of January, 2012.

ABOUREZK & ZEPHIER, P.C.

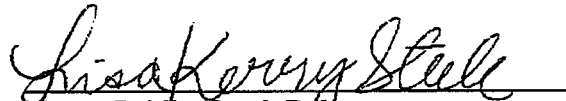
  
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VERIFICATION

The undersigned hereby verifies that as the Plaintiff, she has read the foregoing Complaint and knows the contents thereof, and that all factual statements in said complaint are true and correct to the best of her knowledge, information and belief.

  
Martyna White Hawk

Subscribed and sworn to before me on this 20<sup>th</sup> day of January, 2012.

  
Notary Public, South Dakota

My Commission Expires: 11-14-2012  
(SEAL)

